

**Written Submission on Reshaping the
*Disability Services Act 2006: An inclusive and
accessible Queensland***



Submitted To:
Strategic Policy and Legislation
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and Seniors

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About Queenslanders with Disability Network (QDN)

QDN is an organisation of, for, and with people with disability and the organisation's motto is "nothing about us without us." QDN operates a state-wide network of members who provide information, feedback and views from a consumer perspective to inform systemic policy feedback to Government and peak bodies. QDN also provides information and referral support to people with disability.

QDN has over 1500 members and supporters across Queensland who provide QDN with the perspectives of people with disability.

Value Statement on People with Disability

QDN's work in providing feedback and input into systemic policy issues is based upon the organisation's core values and the place of people with disability in an inclusive Australian society.

QDN believes that:

- All people with disability have a right to a place in the community and have contributions to make to community. This is as empowered, free citizens who are as valued, present, participating and welcomed as members of any dynamic and diverse society.
- The place of people with disability in the community is not just about people with disability having a house in the community. Core to this is that they are welcomed in the community as ordinary citizens where they are genuinely given opportunities to contribute and actively participate. People with disability need to be in communities where their individuality, their talents, and their lived experiences of disability are recognised and acknowledged.
- Culturally and historically, people with disability are not afforded the same value, opportunities or access to community life.
- Any inclusion in community for people with disability is conditional and vulnerable to withdrawal.
- Many people with disability in Queensland are excluded from the most basic experiences of ordinary lives.
- Current exclusionary practices are unacceptable and must be challenged.
- These issues affect not only people with disability but the whole community.
- The responsibility is shared. It lies within government (federal, state and local) and the community at large, to ensure that people with disability have a place and are resourced to belong in community.
- Above all, we believe in, and seek to model, a human rights approach that recognises disability as a social issue and recognises the rights of all Australians as equal citizens.

Introduction

QDN welcomes the opportunity to make a submission to the discussion paper and consultation on Reshaping the *Disability Services Act (2006)*: An inclusive and accessible Queensland (the Discussion Paper). Given the National Disability Insurance Scheme (NDIS) will be in full rollout in Queensland from 1 July 2019, QDN believes it is timely to review state disability legislation.

QDN's response focuses on the responsibility of the Queensland Government in delivering and funding essential accessible, affordable and quality Government and community mainstream services to people with disability, and its critical role in fostering full inclusion and participation of people with disability in the economic, social, civic and cultural life of Queensland.

Essential accessible, affordable and quality State Government and community mainstream services that are inclusive of all members of the community is a critical stewardship and leadership role that the State Government plays in their administration of policy, services and infrastructure that enables everyone to fully participate in the social and economic life of their communities.

Almost 1 in every 5 Queenslanders have a disability, that's almost 900,000 people, and only approximately 91,000 of these people are expected to enter the National Disability Insurance Scheme (NDIS) as participants in Queensland by July 2019. ([ABS 2012](#))

The Queensland State Disability Plan 2017-2020 "[All Abilities Queensland: Opportunities for all](#)" outlines key goals and strategies for building a fairer and more inclusive Queensland, where people with disability and their families and carers are able to access opportunities on the same basis as everyone else.

All Queenslanders with disability access services and infrastructure that sits within the responsibility of the Queensland Government. All Queenslanders with disability continue to access mainstream government services like health, housing, transport, disability and community services, police, courts, domestic and family violence services, sports, arts, recreation, tourism, the digital world, schools, training and education, and employment, outside of the National Disability Insurance Scheme (NDIS).

QDN members regularly raise the importance of access to:

- Inclusive education
- Accessible communities
- Good health services
- Employment opportunities
- Transport as an enabler of participation
- Appropriate Housing

These are fundamental to a good life in the community and it is important that the proposed legislation incorporate all Queenslanders' rights to these important essential services.

It is important to acknowledge that the NDIS will deliver individualised funded support for only 10% of Queenslanders with disability in line with ABS statistics, and the other 90% of people may need varying supports from time to time, and access to all mainstream services.

QDN is particularly concerned about a growing perception among our members of an erosion of services since the NDIS. QDN notes there are issues pending relating to cross-government renegotiation of bilateral agreements to ensure the continued provision of essential mainstream services for people with disability including: the Taxi Subsidy Scheme (TSS), Medical Aids Subsidy Scheme (MASS), Continence Aids Subsidy Scheme (CASS), Community Care, Health (dressings, catheterisations, pressure sore monitoring and PEG feeding). Members have repeatedly told us that they still need access to affordable, safe and secure mainstream services such as transport, telecommunications, health and accommodation which are not being adequately covered through the NDIS. The individual impacts this is having on people with disability is significant, with some members reporting they are resorting to administering their own nursing services as they can not afford to pay for it themselves.

People with disability will need continued support and advocacy to be able to continue to access mainstream services, both at the individual and systemic levels.

QDN supports the rights of people with disability to access the supports they need within a safe environment that delivers quality services. QDN supports safeguards that prevent people who are not safe to work with people with disability to be in place if it is an effective system that can be delivered in an efficient and timely way that does not leave people with disability without access to the essential supports they need nor exposed to increased risk of abuse. QDN also supports an approach that minimises duplication and sees that screening systems should interact.

QDN also acknowledges that there are many people with disability who experience additional vulnerabilities, both within the NDIS system, but also within other service systems delivering essential services like health, housing, transport, education, child safety and justice. With the shifting policy environment under the NDIS, it is critical that emerging gaps in safeguards and quality are addressed.

It is essential that the Queensland Government continue to engage people with disability to deliver citizen-led policy development. Engagement with people with disability in the planning, design, delivery and evaluation of all State Government portfolio areas will deliver inclusive and accessible policy, services and systems and better outcomes for Government and Queenslanders. It is also essential that Government invest in the leadership and capacity of people with disability to be able to engage and represent themselves as consumers of services.

QDN believes there is a need for the Queensland Government legislation to be reflective of the stewardship role the government will play now and into the future and its responsibility to all Queenslanders with disability.

To achieve the shared outcomes of inclusion across all levels of government, as well as the broader community including people with disability, QDN believes that this state legislative reform must have mechanisms in place to require all Government agencies and departments to measure, report and comply to requirements which deliver on these fundamental rights for people with disability to be able to access mainstream and community services just like anyone else.

QDN believes that it is important that there is one structure/body within Government that has functions to monitor performance and the accountability of the implementation of this legislation. QDN sees that it is important that this is given significant prominence and weight in terms of its powers of accountability, monitoring and compliance, and an educative function to people with disability and the broader community. Additionally, it is critical that there is a lead agency within government that has sole responsibility with a focus on people with disability and the agenda of inclusion that can provide leadership, stewardship and oversight across whole of government to deliver these outcomes for people with disability, their families and carers and the broader community. QDN acknowledges the significant reforms that have been achieved over the past three decades and supports a contemporary agenda that builds upon this and takes our public policy into the future, well placed and well positioned to continue to drive this change.

PART A: New disability Legislation

The broader policy context

QDN believes the reshaping of the Disability Services Act sits within a broader social policy context including:

- the UN Convention on the Rights of Persons with Disability
- the National Disability Strategy
- the Disability Discrimination Act
- the NDIS Act
- the All Abilities Queensland State Plan,
- the current Productivity Commission Review on the National Disability Agreement
- the implementation of a Human Rights Act for Queensland.

QDN notes the Discussion Paper does not make reference to the current review of the National Disability Agreement currently being undertaken by the Productivity Commission, which QDN sees will have interactions with the new state disability legislation. QDN also notes that the Discussion Paper makes little reference to how the proposed legislation will interact

with the introduction of the Human Rights Act in Queensland, particularly given the suggestion within the discussion paper of a Charter of Rights for people with disability.

Ideas for new legislation

With the transition to the NDIS, and the devolution of the service provision of the State Government Department of Disability Services leading to a contracting of size and functions, a significant risk emerges for the dilution of the focus on disability within the state context. QDN supports the introduction of this new legislation that focuses on inclusion as contemporary policy approach that is reflective of public policy internationally. However, critical to the successful implementation of this legislation is a disability/inclusion specific structure/ governance within Government that assumes the key functions required to ensure the performance and accountability of each state authority that is required to develop and implement disability inclusion plans. QDN also is of the view that a disability specific entity needs to be in place that assumes other functions including:

- monitoring the reporting of outcomes of the disability access/inclusion plans
- an advisory role to deliver recommendations to government on improvements
- strategic policy oversight across whole of government portfolios focused on disability
- education, monitoring and managing complaints/breaches of a Disability Charter of Rights
- interface issues with functions of Community Visitor Program and child protection system as it relates to children, young people and adults with disability.

Good governance is fundamental to delivering on the outcomes of this proposed legislation, and core is mechanisms for managing the performance and accountability of state authorities covered under this legislation. QDN views this as an important function, and that there is an entity that has responsibility to do this, that sits outside of departmental structures but retains a clear focus on disability and inclusion to give weight to its importance.

QDN believes progress of the outcomes of action plans should be reported directly to an Inclusion Commissioner role who would then report to the Minister who has the responsibility for reporting annually to parliament. The legislation would require Director-Generals across all government departments to report on the progress and detailed actions of their Disability Access/Inclusion Plans.

QDN proposes a Disability Services Commission that is led by a Commissioner charged with this responsibilities, and has a position which sits outside the Office for Disability. The primary roles of the Commissioner would be to have oversight and monitoring responsibilities of Disability Access/Inclusion Plan reports received by DGs across all government departments. These reports should detail progress, actions, improvements and recommendations from the implementation of each government department's plan. The Disability Commissioner would also have an advisory role to the Minister, making clear recommendations on legislation and other administrative matters related to the implementation of this Act.

A strong focus on the rights of people with disability

The United Nation Convention of the Rights of People with Disability (2006) (CRPD) provides the international context for safeguarding and upholding the rights of people with disability. QDN supports actions to strengthen the focus on the rights of people with disability.

Principles:

QDN believes that any state legislation needs to be build upon this international convention, and that a statement of principles must link principles to action, and set out the mechanisms that will guarantee that people's human rights are upheld. Rather than state high-level principles, a disability rights charter could set out procedures and guidelines to put established principles into effect. QDN suggests it could require, for example, that the state government must commission Disability Impact Statements or Inclusion Impact Statements - similar to Regulation Impact Statements - from third parties whenever a government department begins a new major project or procures new infrastructure, or when the executive drafts new legislation.

Recognising the needs of particular groups

QDN nominates that the Queensland Disability legislation recognises the following cohorts that have specific needs and disadvantages.

1. Supports and services provided to Aboriginal and Torres Strait Islander people with disability are to be provided in a way that recognises that Aboriginal and Torres Strait Islander people have a right to respect and acknowledgment as the first peoples of Australia and for their unique history, culture and kinship. The relationships and connection to their traditional land and waters, are recognised. Many Aboriginal and Torres Strait Islander people with disability may face multiple disadvantage, and this will address this multiple disadvantage and the needs of Aboriginal and Torres Strait Islander people with disability, and will be informed by working in partnership with Aboriginal and Torres Strait Islander people with disability to enhance their lives.
2. Supports and services provided to people with disability from culturally and linguistically diverse backgrounds are to be provided in a way that recognises that culture, language and other differences may create barriers to providing the supports and services and addresses those barriers and the needs of those people with disability, and is informed by consultation with their communities.
3. Supports and services provided to women with disability are to be provided in a way that recognises that women with disability may face multiple disadvantages and are potentially more vulnerable to risk of abuse or exploitation and the act will address that disadvantage and risk and the needs of women with disability is informed by consultation with women with disability.

4. Supports and services to children with disability are to be provided in a way that recognises that a child with disability has the right to a full life in conditions that ensure the child's dignity, promotes self-reliance and facilitates the child's active and full participation in family, cultural and social life. It recognises that children are more vulnerable to risk of abuse or exploitation and addresses that right and risk while ensuring the best interests of the child is the primary concern in making decisions affecting the child. It will respect the responsibilities, rights and duties of a parent or other person legally responsible for the child in relation to giving appropriate direction and guidance for the child's welfare and respects the views of the child with disability (having regard to the child's age and maturity).
5. Supports and services for substitute decision makers will be provided as an equal right to make decisions that affect the lives of people and family members with a disability and to have those decisions respected. Persons who require support in decision-making must be provided with access to this support if necessary for them to make, communicate and participate in decisions that affect their lives. Safeguards and legal frameworks must contain appropriate and effective safeguards in relation to interventions for persons who may require decision making support to prevent abuse and undue influence.

Charter of Rights

A Charter should promote a strong person-centred approach, such as that found in the *Victorian Disability Services Act 2006*, and should embed the rights of people with disability to have access to services or to be involved in service planning. It should set out the responsibilities of agencies to provide person-centred services.

QDN believes a charter needs to have clear mechanisms in place to monitor and ensure compliance with the Act and any accompanying human rights instruments.

However, QDN believes that if an introduction of a Charter of Rights is to be considered, then this must exist alongside clear mechanisms for measuring progress of meeting the rights of people with disability with clearly articulated consequences outlining what will happen if the charter is not upheld. If there is a Charter of Rights, it is important to understand how this will interact with the soon to be introduced Human Rights Act, and the functions of the Human Rights Commission. Similarly, a Disability Charter of Rights will hold no weight, unless there are clear mechanisms in place for people with disability to understand they have these rights, know how to make a complaint if their rights are breached, and that the complainant has an option for remedy to address the breach and some powers to address this.

Individual rights – separation of housing and services

QDN strongly asserts that no individual service, government department or program should have one hundred percent control over a person's life by delivering all services that they access, and also their housing. Some people with disability are vulnerable as they have few if any informal supports and no one scrutinizing what is happening for them within services.

QDN calls for the State to review its legislation across mainstream government departments where a person's housing and support intersect to ensure that housing and support are kept separate, or that there are regulatory safeguards put in place where this does exist so that people are not placed at risk. For people with disability living in Queensland Government funded or directly provided residential settings, it is essential that every person can have arrangements in place which separate their tenancy from other support services related to their personal care and community access. They also need to have clear arrangements in place that uphold their fundamental rights as tenants. At this point in time, this is an area that needs attention and action to ensure consistency and uniformity.

QDN was pleased that the Department of Housing recently endorsed and adopted QDN's principles of rights, choice, inclusion and control¹. The principles inform good practice and improved housing outcomes for people with disability. As such, QDN reinforces it is essential that government departments, housing providers and support providers use them to guide their decision making around the planning, design, delivery and construction of housing as well as the provision of supports. QDN calls on the State government to legislate these principles into the new Disability Services Act.

Additionally QDN recommends, the Queensland government should raise the issue of the separation of housing and support for people with a disability at a national level within the NDIS and broader social policy areas so that the relevant ministers can develop clearer programmatic guidelines concerning the separation of housing and support, the SDA guidelines are reflective of this.

QDN'S KEY RECOMMENDATIONS - RIGHTS:

QDN supports:

1. Strengthening disability principles with closer alignment to principles of UNCRPD.
2. The introduction of specific principles and acknowledgement of the needs of particular groups of people with disability.
3. QDN supports the legislation in New South Wales and Victoria which makes specific mention of marginalised groups such as: Aboriginal and Torres Strait Islander people, culturally and linguistically diverse (CALD) people, women and children.
4. The development of a Charter of Disability Rights if there are specific mechanisms in place that enable people with disability
 - a. access to education about these rights,

¹ See here for further information on housing principles adopted by the Department of Housing and Public Works: <http://www.hpw.qld.gov.au/SiteCollectionDocuments/IpswichEOIHousingPrinciplesInclusive.pdf>

- b. establishment of a monitoring function within government that oversees the enactment of these rights within Queensland
 - c. access to a complaints mechanism that has weight to address issues where the charter of disability rights is breached
 - d. access to advocacy and support through this process
5. Introduction of requirements that State government entities must complete Disability Impact Statements or Inclusion Impact Statements - similar to Regulation Impact Statements - from third parties whenever a government department begins a new major project or procures new infrastructure, or when the executive drafts new legislation.
6. QDN calls for the State to review its legislative, programmatic and funding guidelines across state mainstream agencies where a child or person with disability's housing and support intersect to ensure that housing and support are kept separate, and where this is not possible, regulatory measures are put in place to address this.
7. Government departments, housing providers and support providers implement QDN's principles of rights, choice, inclusion and control to guide their decision making around the planning, design and construction of housing as well as the provision of supports.
8. QDN calls on the State government to legislate these principles into the new Disability Services Act.
9. The Queensland government raising the issue of the separation of housing and support for people with a disability at a national level so that the relevant ministers can develop clearer programmatic guidelines concerning the separation of housing and support.

Increasing Consistency, Collaboration and Accountability

Requirement of Queensland Government to develop a state plan

QDN supports that the Queensland Government be required to regularly develop a State Disability Plan. QDN also strongly supports that each public sector entity be required to develop plans, and supports the name of disability access and inclusion plans. Each state authority bound by this legislation should include a requirement of each department and each statutory authority to develop disability action plans with measurable goals, key performance indicators (KPIs) and outcomes.

Expand disability planning to apply to additional public authorities

QDN supports the creation of cross-government Disability Action Plans. However, the needs to be strengthened to include clear mechanisms and requirements for government departments to monitor, review and report on Disability Action Plans. The proposed

legislation needs to stipulate specific requirements to ensure compliance and accountability. This needs to be extended to all government departments and agencies.

Strengthen consultation, implementation

QDN supports the assertion that for both the state and departmental plans, there must be consultation and engagement with people with disability, however QDN sees that this needs to be broader than just engagement to inform the development of the State and Departmental Disability Plans/Inclusion Plans. QDN holds the position that it needs to be legislated that each Department must have a Disability Engagement Plan in place which clearly articulates how they will engage and consult with people with disability to inform the design, planning, implementation and evaluation of their services, policy, infrastructure and products. This needs to be articulated in the regulations that accompany this legislation, which outline the objects and how engagement and methods for consultation at the individual, service and system level are carried out. This also includes the requirement to identify and consult with particular groups of people with disability as outlined above, reflective of the principles of highlighting vulnerable groups of people with disability.

Alongside this, there needs to be a commitment within the legislation towards the development of people with disability and to build the capacity of people with disability as leaders so they are able to participate in citizen informed policy development in this manner.

Improved data collection and procurement processes

Currently there is no clear system in place across government departments to capture statistics on who is a person with disability. This data is required to ensure an accurate picture is created of what services and supports exist across government departments and agencies. QDN supports the recommendations around improved data collection and measurement of effectiveness for mainstream services. QDN also believes it is important the legislation clearly states a commitment to meaningful engagement and citizen-led policy development for policy and significant projects while these are still in their formative stages and well before budgets are developed and procurement has begun.

QDN also believes the legislation should require Government Departments and procurement contractors to develop 'disability impact statements' when introducing changes to policy, regulations, infrastructure and programs that highlight benefits of effective consultation processes, and outcomes for this.

Capacity Building for people with disability to undertake this consumer engagement

People with disability need opportunities to develop skills, knowledge and confidence to influence their own lives and inclusion in communities. QDN has long recognised the need for investment in leadership development specifically for people with disability, which will support informed policy advice, co-design of accessible services and products, self-leadership

and community leadership. If the new Act legislates this then the government needs to consider how it will build capacity of people with disability and the functions and reporting powers of local disability councils and also functions of representation across government.

As individuals, people with disability offer diverse benefits to Government, business, non-government organisations and the community in their role as consumer representatives, bringing their lived experience and knowledge to inform policy and decision making. As a collective group, people with disability can deliver systemic advocacy and advice to Government and business to deliver better outcomes, services, and policy.

QDN also suggests a range of strategies for strengthening proposed new legislation and ensuring parity with other states including, measures and targets for human rights aspirations, legislative requirements for cross-government disability service plans and effective engagement planning to ensure people with disability are included in the design, delivery, implementation and evaluation of services and systems and public infrastructure that effect their lives. Strong, robust legislation is required to ensure people with disability are fully included in our diverse Queensland community.

QDN'S KEY RECOMMENDATIONS – CONSISTENCY, COLLABORATION AND ACCOUNTABILITY:

QDN supports:

1. That the Queensland Government is required to develop a state plan, with clear outcome measurements that is reported to parliament annually.
2. That all public sector entities, including statutory bodies, are required to develop a disability access and inclusion plan, and that this is to be reported to a disability specific governance structure/commission annually, through the Director General/Chief Executives. QDN supports that these have clear outcome measures that are reported against, and that there is monitoring, oversight and recommendations made to respective Ministers to address areas of under-performing and actions for improvement.
3. That for both state and departmental plans, a requirement is in place for consultation with people with disability when preparing or developing the plan.
4. That for engagement with people with disability, regulations are put in place that require an engagement plan for each public entity which outlines how, when, where, and with whom they are going to engage with people with disability to inform the design, planning, delivery and evaluation of their services, products and policy.
5. That the legislation requires each department and public sector entity is required to collect data and report on how people with disability are using mainstream services to improve the effectiveness of measuring the outcomes of disability plans.

Strengthening government and community partnerships

Advisory Committees

QDN supports the development of government advisory committees and boards and sees this as an integral strategy of feeding the views of people with disability up to government. QDN supports a quota system to ensure equal representation of people with disability on government boards and committees. QDN urges Queensland to mirror New South Wales, Victorian and Western Australian legislation that has specific requirements around structure and composition of committees and the work they undertake. QDN supports mandating specific requirements around:

- Executive members (chairs, vice chairs) being people with disability
- The majority of members being people with disability
- Members having insight into the lived experience of children with disability
- Diversity of disability representation on boards and committees
- Representatives of other marginalised groups: A&TSI people, CALD people, women

Specific strategies should be developed to proactively prepare people with disability to take up these roles and leadership opportunities, including leadership development, peer-lead leadership and training courses for people with disability to develop their capacity to provide advice to government, to critically review public policy and services and effectively contribute to government boards. Where relevant this should extend beyond disability specific committees and include all government advisory committees where people with disability are an important stakeholder.

QDN KEY RECOMMENDATIONS

QDN supports:

1. The legal requirements in relation to the appointment and membership of committees. Alongside this, QDN recommends that strategies to develop the capacity of people with disability, including younger people with disability to build the capacity and leadership capital of the next generation to take on these important civic leadership roles within the community.

PART B: Quality and Safeguards

NDIS Quality and Safeguards and Restrictive Practices

QDN acknowledges the importance of quality and safeguarding and of getting the right balance that affords people the choice and control they need to live a good and ordinary life, alongside the measures and regulations to ensure the system is accountable and operates in a way that upholds the rights and well-being of the individual.

QDN believes an effective quality and safeguards system includes:

- A robust system for handling complaints
- Ensuring all staff are safe to work with people with disability
- Effective safeguards for people who self-manage their funding – individual capacity building is a key element of this.
- Strategies to reduce and eliminate the use of restrictive practices

Key elements to safeguarding people at the individual level include:

- Access to appropriate supports
- Effective complaints handling process
- Access to independent individual advocacy

Key elements to quality and safeguards at the service level include:

- Ensuring people are protected from abuse, violence, exploitation and neglect through effective prevention strategies, early intervention and responses
- The reduction and elimination of restrictive practices and ensuring that people with disability under restrictive practices have the same rights to choice and control in terms of engaging staff who support them and self-directing their supports

Key elements of quality and safeguards at the systems level include:

- robust, independent systems advocacy
- people with disability having access to vibrant, diverse and quality markets
- Preventing red tape and whilst ensuring quality and compliance measures - It is essential that a balance of regulation and compliance is put in place that enables people with disability, their families and carers, and service providers to engage in a quality system, with consistent standards that does not drive high cost and burden on all parties.
- State and other legislative and regulatory interface issues – QDN calls on the Queensland government to urgently address outstanding issues relating to renegotiation of state and federal bilateral agreements to ensure the continued provision of essential mainstream services for people with disability in relation to transport, health and community services.

Additional safeguards

Given the transformational policy reform of the NDIS, and the fact that not everyone with a disability will be covered under the National Quality and Safeguards framework, it is critical that State Governments legislation covers the protection of all people with disability with regards to abuse, neglect and exploitation. There are also a number of areas that need additional focus with regards to people's rights under the UNCRPD around separation of housing and support.

QDN calls for the following additional safeguards to be enshrined in the new legislation:

- People with disability have increased access to advocacy, support and education to assist them to negotiate the services in their lives and to ensure that no individual service has one hundred percent control over a person's life and there are clear separations of a person's housing and support.
- Increased transparency by requiring the Community Visitor to report their findings to the proposed Disability Commissioner role
- The key principles of rights, choice, inclusion and control be enshrined in the new Disability Services Act.

Worker Screening

QDN members represent a wide demographic of people with disability living across the state representing diverse lifestyles, interests, views, lived experiences and socio-economic backgrounds. QDN supports that the right balance between regulation and safeguards is achieved, and keeps people with disability safe with regards to the workers that are delivering supports and services to them.

QDN acknowledges that the regulatory requirements for workers and providers are tiered to ensure regulation is proportionate to the level of risk associated with the needs of people with disability, and the type of support offered. However, QDN acknowledges that abuse, exploitation and neglect of people with disability occur in a variety of settings and environments, and are perpetrated by diverse members of our community, not just those delivering direct support work and personal care.

QDN acknowledges the Queensland Government's work in child protection with the introduction of the 'no card no start' that is being applied to the blue card system. QDN would support this approach with the complementary reforms, where the streamlined government processes are in place that guarantee screening processes happens in a timely way. QDN members have raised the challenges with finding and retaining workers within the NDIS environment, and understands from providers the challenges in recruitment and the disparity in workforce supply and demand particularly in regional, rural and remote communities. QDN wants to ensure that all measures are in place to keep people with disability safe, especially vulnerable people with disability. QDN also acknowledges that people with disability need

access to the essential day-to-day support they need to live their life. Therefore, QDN would support, where measures are in place for tiered requirements based upon risk, that workers can begin working or volunteering while their application is being processed.

QDN's position on worker screening is that we want everybody to be safe. QDN also sees that a balanced approach is needed. QDN wants unregistered providers to be cleared but does not want to see people with disability required to bear the cost of screening costs at the risk of having to use money within their own NDIS support package. QDN is also aware that the current Yellow Card is one layer of protection; however, it does not stop people being abused. QDN believes this issue needs a combined approach of regulation, prevention and awareness campaigns and training – at the service, worker and individual level, robust advocacy, informal supports. Above all, it is people who keep people safe, not services or systems.

QDN believes people with disability should not have to bear the cost of worker screening, either as an individual or through their core supports funding. This should be a factored cost, either through specific items, agency responsibility or through the employment/workforce development schemes that contractors are screened and deemed worker ready as part of business expenses.

Furthermore, QDN believes people with disability and their families need more training regarding their responsibilities in a self-managed environment. The training should cover off on insurances, worker clearances, policies needed to self-manage, managing staff (recruitment, supervision, HR) and workplace health and safety. QDN sees that this could be funded through NDIA to people's packages to cover incidental costs of keeping people safe. This would assist in attracting staff to industry, and to building workforce capacity needed to meet demand in the NDIS environment.

QDN RECOMMENDATIONS – QUALITY, SAFEGUARDS AND WORKER SCREENING

QDN supports:

1. Individual and systemic advocacy to ensure people can access independent information about their rights, and accessing support they need to assert them
2. An integrated approach to quality and safeguarding across systems and a balance of regulation and compliance that ensures people with disability are safe.
3. Queensland Government to address outstanding issues relating to the renegotiation of the bilateral agreement with regards to mainstream interface issues across health, transport, housing, justice, and community services.

4. “No card, no start” approach with the complementary reforms, where the streamlined government processes are in place that guarantee screening processes happens in a timely way. However, if this is something that can not be guaranteed to be achieved, where measures are in place for tiered requirements based upon risk, that workers can begin working or volunteering while their application is being processed.
5. People with disability have increased access to advocacy, support and education to assist them to negotiate the services in their lives and to ensure that no individual service has one hundred percent control over a person’s life and there are clear separations of a person’s housing and support.
6. Increased transparency by requiring the Community Visitor to report their findings to the proposed Disability Commissioner role
7. The key principles of rights, choice, inclusion and control be enshrined in the new Disability Services Act.